

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
No. 1:23-cv-00423-WO-JLW

TIMIA CHAPLIN; KEVIN SPRUILL;)
ROTESHA MCNEIL; QIANA ROBERTSON;)
YOUSSEF JALLAL; MESSIEJAH BRADLEY;)
PAULINO CASTELLANOS; ROBERT)
LEWIS; AND ALLEN SIFFORD, on behalf of)
themselves and all others similarly situated,)

Plaintiffs,)

v.)

WILLIE R. ROWE, in his official capacity as)
the Sheriff of Wake County; BRIAN ESTES,)
in his official capacity as the Sheriff of Lee)
County; THE OHIO CASUALTY)
INSURANCE COMPANY, as the surety for)
the Sheriff of Wake County and as surety for)
the Sheriff of Lee County; TYLER)
TECHNOLOGIES, INC.; NORTH)
CAROLINA ADMINISTRATIVE OFFICE OF)
THE COURTS; RYAN BOYCE, in his official)
capacity as the Executive Director of the North)
Carolina Administrative Office of the Courts;)
BRAD FOWLER, in his official capacity as the)
eCourts Executive Sponsor and Chief Business)
Officer of the North Carolina Administrative)
Office of the Courts; BLAIR WILLIAMS, in)
his official capacity as the Wake County Clerk)
of Superior Court; SUSIE K. THOMAS, in her)
official capacity as the Lee County Clerk of)
Superior Court; JOHN DOE SURETY, as the)
surety for the Wake County Clerk of Superior)
Court and the Lee County Clerk of Superior)
Court; and DOES 1 THROUGH 20,)
INCLUSIVE,)

Defendants.)

**DEFENDANT BRIAN ESTES'
CONSENT MOTION FOR
EXTENSION OF TIME TO
RESPOND TO
PLAINTIFFS' FIRST
AMENDED COMPLAINT**

Pursuant to Local Rule 6.1(a) and Rule 6(b) of the Federal Rules of Civil Procedure, Defendant Brian Estes, in his official capacity as the Sheriff of Lee County (“Defendant Estes”), moves this Court for a thirty-day extension of time, through and including December 13, 2023, to answer or otherwise respond to Plaintiffs’ First Amended Complaint – Class Action (“First Amended Complaint”). In support of this motion, Defendant Estes states the following:

1. Plaintiffs filed their original complaint on May 23, 2023. (Doc. 1).
2. Defendant Estes timely filed his Motion to Dismiss the Complaint on August 31, 2023.
3. Plaintiffs filed motions seeking to extend the time by which they were required to respond to the motions to dismiss filed by Defendant Estes and the other defendants. Plaintiffs sought, and were granted, an extension of time of up to thirty-six days from their original response deadlines. (Docs. 17, 18, 21).
4. Plaintiffs filed their First Amended Complaint on October 27, 2023. (Doc. 30). Service on this date would result in a response date of November 13, 2023.
5. The time within which Defendant Estes must answer or otherwise respond to the First Amended Complaint has not expired.
6. Defendant Estes requests an extension of time to respond to the First Amended Complaint. Plaintiffs’ First Amended Complaint adds seven new named plaintiffs and six new defendants to this litigation. The First Amended Complaint also adds additional allegations, including allegations about the seven new named plaintiffs.

The requested extension will facilitate Defendant Estes' preparation of a focused response.

7. Defendant Tyler Technologies, Inc. has already moved for, and been granted, a 30-day extension, through and including December 13, 2023, to answer or otherwise respond to Plaintiffs' First Amended Complaint.

8. This Motion is made in good faith and not for the purpose of undue delay.

9. Defendant Estes' counsel has conferred with the Plaintiffs' counsel, and Plaintiffs' counsel consents to the requested extension.

10. Defendant Estes' reserves all defenses, claims and arguments.

WHEREFORE, Defendant Estes respectfully requests the Court extend by thirty days Defendant Estes' deadline to answer or otherwise respond to the First Amended Complaint, through and including December 13, 2023.

Respectfully submitted, this the 7th day of November, 2023.

/s/ James R. Morgan, Jr.
James R. Morgan, Jr.
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Attorney for Defendant Brian Estes

CERTIFICATE OF SERVICE

I hereby certify that on November 7, 2023, I electronically filed the foregoing **DEFENDANT BRIAN ESTES' CONSENT MOTION FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFFS' FIRST AMENDED COMPLAINT** with the Clerk of Court using the CM/ECF system, which will send notification of the filing to all Counsel of record.

/s/ James R. Morgan, Jr. _____

James R. Morgan, Jr.

N.C. State Bar No. 12496

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